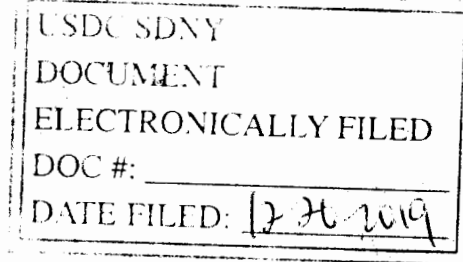


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



IN RE THE APPLICATION OF GALAXY
ENERGY AND RESOURCES CO. PTE. LTD.,

REQUEST FOR DISCOVERY PURSUANT
TO 28 U.S.C. § 1782

Civil Action No. 19-Misc. 00287

 **[PROPOSED] ORDER GRANTING *EX PARTE* SUPPLEMENTAL APPLICATION
FOR DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

This matter comes before the Court by an *ex parte* supplemental application for discovery pursuant to 28 U.S.C. § 1782 (the “Supplemental Application”) filed by Galaxy Energy and Resources Co. Pte. Ltd. (“Galaxy”). Having reviewed Galaxy’s Memorandum of Law and the Declaration of Michael J. Frevola, dated December 18, 2019, in support of the Supplemental Application, the Court is satisfied that the production of documentation is warranted pursuant to 28 U.S.C. § 1782, and the Court hereby ORDERS as follows:

1. The Supplemental Application is GRANTED.
2. Galaxy is authorized to issue and serve subpoenas on Arab Bank (Switzerland) Ltd., Mashreqbank PSC; and Wall Street Finance LLC (collectively, the “Additional Banks”), for the production of the following documents, whether such documents are located within the Southern District of New York or elsewhere:
 - A. Copies of any orders, instructions or wire transfers received from a payor/transferor bank to a payee/transferee bank for the benefit or credit of, or with any reference to

Mohammad Saidur Rahman a/k/a Mohammad Saidur Rahman Letu (trading as M/S Noapara Trading), for the period January 1, 2014 to present.

B. Copies of any orders, instructions or wire transfers received from a payor/transferor bank to a payee/transferee bank for the benefit or credit of, or with any reference to any of the following Related Parties and Additional Related Parties (as further described in Galaxy's Memorandum of Law) for the period January 1, 2014 to present:

- i. M/S Noapara Trading;
- ii. Noapara Trading;
- iii. Modern Lotus General Trading LLC;
- iv. Taiba Gulf Fertilizer DWC LLC;
- v. Taiba (Suisse) SA;
- vi. Taisa (Suisse) SA;
- vii. Hassan Mohammed Muid;
- viii. Mohammed Muid Hassan Dipu;
- ix. South Bengal Fertilizer Mills Ltd.;
- x. Noapara Cement Mills Ltd.; and
- xi. Noapara Global Logistics Services Ltd.

C. For the period beginning January 1, 2014 to the present, identify any bank accounts in the name of and/or held beneficially for Mohammad Saidur Rahman a/k/a Mohammad Saidur Rahman Letu (trading as M/S Noapara Trading) with the Related Parties and/or the Additional Related Parties, and provide the full records

thereof, specifically including copies of present and historical account balance information, and records of incoming and outgoing payments.

- D. For the period beginning January 1, 2014 to the present, identify any accounts, loans, lines of credit or other funding arrangements to Mohammad Saidur Rahman a/k/a Mohammad Saidur Rahman Letu (trading as M/S Noapara Trading) with the Related Parties and/or Additional Related Parties.

3. Galaxy is authorized to issue and serve supplemental subpoenas on Bank of America, N.A.; Bank of China; The Bank of New York Mellon; Barclays Bank PLC; BNP Paribas S.A.; Citibank, N.A.; Commerzbank AG; Credit Agricole CIB; Deutsche Bank Trust Company of Americas; Deutsche Bank Securities, Inc.; HSBC Bank (USA) N.A.; JPMorgan Chase Bank, N.A.; Maybank New York; Societe Generale; Standard Chartered Bank; UBS AG; and Wells Fargo Bank, N.A. (collectively, the "New York Banks"), for the production of the following documents, whether such documents are located within the Southern District of New York or elsewhere:

- A. Copies of any orders, instructions or wire transfers received from a payor/transferor bank to a payee/transferee bank for the benefit or credit of, or with any reference to Mohammad Saidur Rahman a/k/a Mohammad Saidur Rahman Letu (trading as M/S Noapara Trading), for the period January 1, 2014 to present.
- B. Copies of any orders, instructions or wire transfers received from a payor/transferor bank to a payee/transferee bank for the benefit or credit of, or with any reference to any of the following Related Parties and/or Additional Related Parties (as further described in Galaxy's Memorandum of Law) for the period January 1, 2014 to present:

- i. M/S Noapara Trading;
- ii. Noapara Trading;
- iii. Modern Lotus General Trading LLC;
- iv. Taiba Gulf Fertilizer DWC LLC;
- v. Taiba (Suisse) SA;
- vi. Taisa (Suisse) SA;
- vii. Hassan Mohammed Muid;
- viii. Mohammed Muid Hassan Dipu;
- ix. South Bengal Fertilizer Mills Limited;
- x. Noapara Cement Mills Ltd.; and
- xi. Noapara Global Logistics Services Ltd.

C. For the period beginning January 1, 2014 to the present, identify any bank accounts in the name of and/or held beneficially for Mohammad Saidur Rahman a/k/a Mohammad Saidur Rahman Letu (trading as M/S Noapara Trading), the Related Parties and/or the Additional Related Parties, and provide the full records thereof, specifically including copies of present and historical account balance information, and records of incoming and outgoing payments.

D. For the period beginning January 1, 2014 to the present, identify any accounts, loans, lines of credit or other funding arrangements to Mohammad Saidur Rahman a/k/a Mohammad Saidur Rahman Letu (trading as M/S Noapara Trading), the Related Parties and/or the Additional Related Parties.

4. The New York Banks and the Additional Banks shall produce the documents requested in their respective subpoenas within twenty-one (21) days of service of the supplemental subpoena and as required under the Federal Rules of Civil Procedure and the Local Rules of the United States Court for the Southern and Eastern Districts of New York.

5. Until further Order by this Court, the New York Banks and Additional Banks shall preserve documents and evidence, electronic or otherwise, in their possession, custody or control that contain information potentially relevant to the subject matter of Galaxy's document request as listed in this Order.

6. The Court shall retain jurisdiction over the matter for the purpose of enforcing this Order and assessing any supplemental request for discovery assistance that may be requested by Applicant.

7. A copy of this Order shall be served with each discovery demand.

SO ORDERED.

Dated: New York, New York

December 19, 2019



UNITED STATES DISTRICT JUDGE

LAURA TAYLOR SWAIN, U.S.D.J.